

FILED MAY 4 2022 13:24USDC:ORP

Pro Se 2 (Rev. 12/16) Complaint and Request for Injunction

UNITED STATES DISTRICT COURT  
for the

For the District of Oregon

Portland Division

) Case No.

3:22-cv-654-AR

Climate Change Truth Inc. research@cctruth.org

Plaintiff(s)

-v-

) \_\_\_\_\_  
the Clerk's Office

) (to be filled in by

Judge Charles Bailey (Melisa.L.Yang@ojd.state.or.us)

, Jim Shipley attorney (jtshipley@qwestoffice.net)

Defendant(s)

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**COMPLAINT AND REQUEST FOR INJUNCTION**

**I. The Parties to This Complaint**

**A. The Plaintiff(s)**

Name	Professor David White
Street Address	18965 NW Illahe St
City and County	Portland, Washington
State and Zip Code	OR 97229-2085
Telephone Number	503-608-7611
E-mail Address	research@cctruth.org

**B. The Defendant(s)**

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. For an individual defendant, include the person's job or title (*if known*). Attach additional pages if needed.

Defendant No. 1

Name	<u>Judge Charles Bailey</u>
Job or Title ( <i>if known</i> )	
Street Address	
City and County	
State and Zip Code	
Telephone Number	
E-mail Address ( <i>if known</i> )	<u>Melisa.L.Yang@ojd.state.or.us</u>

Defendant No. 2

Name	<u>Jim Shipley</u>
Job or Title ( <i>if known</i> )	Attorney
Street Address	2233 NE 47 <sup>th</sup> Ave
City and County	Portland, Multnomah
State and Zip Code	Or, 97213
Telephone Number	503-493-8383
E-mail Address ( <i>if known</i> )	<u>jshipley@qwestoffice.net</u>

**II. Basis for Jurisdiction**

What is the basis for federal court jurisdiction? (*check all that apply*)

Federal question       Diversity of citizenship

**A. If the Basis for Jurisdiction Is a Federal Question**

List the specific federal statutes, federal treaties, and/or provisions of the United States Constitution that are at issue in this case.

501C3 non-profit rules and regulation

### III. Statement of Claim

A. Where did the events giving rise to your claim(s) occur?

Oregon

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B. What date and approximate time did the events giving rise to your claim(s) occur?

March 2022

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C. What are the facts underlying your claim(s)? (For example: *What happened to you? Who did what?*

*Was anyone else involved? Who else saw what happened?*)

David White is going through a divorce. His soon to be x-wife's attorney is Jim Shipley. Jim Shipley has accused him of using Climate Change Truth Inc. (cctruth.org) (A 501C3 Idaho registered nonprofit) funds personally. However, Jim himself, in an email told David White to use cctruth.org funds to pay for firewood replacement, one of the items of which his client is in contempt for. This is Exhibit IV. Cctruth.org is a 5013C Idaho registered nonprofit corporation. Jim Shipley's client removed herself from the Corporation in 2017. Exhibit I is a board meeting minutes from 2017. Exhibit II is a board meeting where the board voted not to give the KeyBank records to Jim Shipley. Exhibit III is images of David Whites home front. Jim Shipley has accused David White of using \$1200 of cctruth.org funds to "improve" his property. No one in his neighborhood would say this is an improvement at this time.

Because of inflation cctruth.org has only \$3000 in the account and receive only \$93 in donations in April 2022. If we receive no funding in May 2022 the month to month \$1000 contract to keep cctruth.org from being blacklisted will end in June 2022.

The 501C regulations restrict anyone from using nonprofit funds for personal use. Furthermore, no one owns any asset in the nonprofit corporation. By regulation, upon dissolution of the nonprofit, all assets must be transferred to another 501C nonprofit. Not to Board members.

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#### IV. Irreparable Injury

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#### V. Relief

We request an injunction be granted to stop Judge Bailey from ordering the KeyBank records to be produced in the divorce case. We also request Jim Shipley be compelled to pay \$2,000 to cctruth.org for causing extra attorney expense. An additional \$2000 for 30 hours of Professor Whites time to respond shall be paid to Mr. White.

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#### VI. Certification and Closing

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

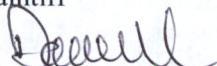
##### A. For Parties Without an Attorney

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Date of signing:

5/4/22

Signature of Plaintiff



Printed Name of Plaintiff

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**Exhibit I**

Climate Change Truth

Dave White

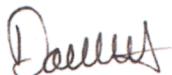
President  
18965 NW Illahe  
Portland, Oregon 97229

Board Meeting 9/25/2017

This meeting was called to order by Dave white. Mr White announced the removal of Julie white from the corporation and the installment of two new officers with 33 1/3% each. Their names are:

1. Randy Beers
2. Orlando Castanon
3. Any other needed business.

Each board member including Dave White will have 33 1/3% voting rights and ownership.



Dave White  
9/25/2017

**Exhibit II**

Climate Change Truth Inc.

Special Board Meeting 10/22/2021

Subject Dave's divorce

The question put before use is this: Should we let Dave's wife's attorney get any financial data from our bank account. All the money is from donations to a specific cause. Like \$3000 to publish the carbon dioxide equilibrium manuscript. Also federal law prevents funds designated for

one project to be put to another until the project is completed. As board members we each own 33 1/3% of assets and debts. Currently there is \$20,000 in the account. We have an SBA COVID loan we owe \$9,000. We don't have to pay that back unless we get funding for the experiment. I put in for \$450,000 in NSF funding. I give it 20% possibility. Last year the scientists who reviewed it lied.

The rate of rise for atmospheric carbon dioxide is less than 3 parts per million (red line) (ppm) per year. This graph shows (blue line) we can replace grass in medians and sides of roads with native trees and shrubs. This location has 161k vehicles per day traffic. They will consume a large portion of the carbon dioxide from vehicles. We have two NIST certified carbon dioxide sensors calibrated within 1 ppm.

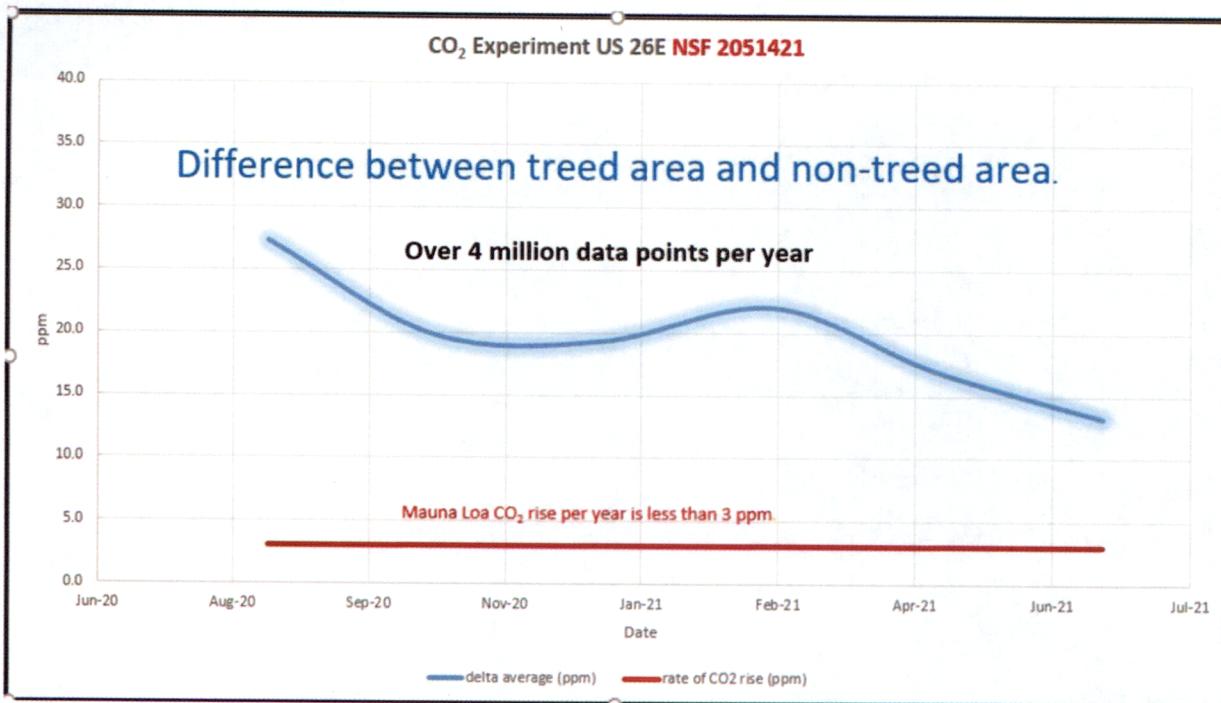
Present:

Dave White

Randy Beers

Vote to prevent Julies attorney from getting cctruth.org financial data was 2 yes and 1 not present.

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Dave White Board member

### Exhibit III





Exhibit IV

Vince:

One again your client has seen fit to email me directly. I will delete the email.

I thought Judge Bailey's comments regarding support would have been instructive to your client. Nothing within your client's deposition testimony convinced me that your client does not have significant earning capacity. On the contrary, your client's testimony clearly proved that he has the ability and energy to pursue multiple career paths at the same time. It is plain to see that your client is voluntarily choosing not to earn income at this time. Considering your client's view on spousal support, I tend to believe that having my client make a proposal is going to be fruitless. Nevertheless, I will be talking with my client about settlement and I hope to present an offer on Friday.

In regard to replacement wood, your client doubled down on the missing wood and is now claiming that there was 4 cords of wood in the back yard. Your client's non-profit spent \$1,200 to landscape his front yard. **It strikes me that he should have had the company buy him some firewood instead.**

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Vincent J. Bernabei, LLC  
 102 Cascade Square  
 8625 SW Cascade Avenue  
 Beaverton, OR 97008

David White  
 18965 NW Illahe  
 Portland, OR 97229

May 04, 2022  
 In Reference To: Dissolution of Marriage  
 Invoice #15848

Professional Services

	Hrs/Rate	Amount
4/8/2022 Telephone call with client re: opposition to motion to compel, son's hacking of computer.	0.30 330.00/hr	99.00
Prepare preliminary response to motion to compel.	0.50 330.00/hr	165.00
4/11/2022 Prepare response to motion to compel, declaration of client.	1.75 330.00/hr	577.50
4/12/2022 E-mail to client re: protective order.	0.10 330.00/hr	33.00
4/13/2022 E-mail to client re: CCT bank records, order compelling discovery.	0.10 330.00/hr	33.00
4/20/2022 Telephone calls with client and Bryan White re: wood splitter and proposed meeting; Confer with client re: property division and spousal support.	0.40 330.00/hr	132.00
4/28/2022 Review and transmit 2021 tax transcript.	0.10 330.00/hr	33.00
Telephone call with client re: discovery issues, production of Key Bank records, trial procedure.	0.40 330.00/hr	132.00
For professional services rendered	3.65	\$1,204.50
Previous balance		\$5,805.49

David White

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	<u>Amount</u>
Accounts receivable transactions	
4/19/2022 Payment - thank you	(\$3,000.00)
Total payments and adjustments	(\$3,000.00)
Balance due	<u><u>\$4,009.99</u></u>

All charges are due upon receipt of statement. Unpaid balances over 30 days will accrue interest at 9% per annum. We accept cash, check, and credit cards.